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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR            | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|--|-------------|---------------------------------|---------------------------|------------------------|
| 10/820,044   | 04/08/2004  | Jordan Willard Hawkwood Glazier | 32185-201793              | 7322                   |
| 26694  | 7590        | 11/30/2007                      |                           |                        |
| VENABLE LLP<br>P.O. BOX 34385<br>WASHINGTON, DC 20043-9998 |             |                                 | EXAMINER<br>TRAN, TRANG U |                        |
|  |             |                                 | ART UNIT<br>2622          | PAPER NUMBER           |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,044

Applicant(s)

GLAZIER, JORDAN WILLARD  
HAWKWOOD

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007 and 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-11, and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments filed June 06, 2007 have been fully considered but they are not persuasive.

In re pages 7-9, applicant argues that the invention to the present application is not obvious in light of Herz as evidenced by the long felt unsolved need to find remote controls for radios, personal computers, robots, garage doors, MP3 players, and interactive video game playing devices, this is the failure of others to satisfy this need to provide a location signal generator on a remote for a radio, personal computer, robot, garage door, MP3 player, or an interactive game playing device, and Herz teaches away from these claims.

In response, the examiner respectfully disagrees. The examiner has pointed out what each of the prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. The expected benefits from the well known universal remote controller for radios, personal computers, robots, garage doors, MP3 players, and interactive video game playing devices would themselves have been evidence of obviousness. Expected beneficial results are themselves evidence of obviousness. Expected beneficial results are themselves evidence of obviousness. In re Hoffman, 556 F.2d 539, 194 USPQ 126 (CCPA 1977); In

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re Skoll, 523 F.2d 1392, 187 USPQ 481 (CCPA 1975); and In re Skoner, 517 F.2d 947, 186 USPQ 80 (CCPA 1975).

3. Applicant's arguments with respect to claims 1, 5, 7-11 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipate by McGonigal et al. (US Patent No. 5,945,918).

In considering claim 1, McGonigal et al discloses all the claimed subject matter, note 1) the claimed (a) a television is met by television set 1 (Figs. 1 and 2, col. 3, line 33 to col. 4, line 25), 2) the claimed (b) an activator installed in the television is met by the activator 57 (Fig. 3, col. 4, lines 25-40), 3) the claimed (c) a remote control for the television is met by the remote controller unit 3 (Figs. 1 and 2, col. 3, line 33 to col. 4, line 25), 4) the claimed (d) a location signal generator installed in the remote control, which signal generator is activated by receipt of a wireless signal from the activator in the television is met by the receiver 85 which is capable of receiving the signal emitted by the transmitter and the alarm device 87 which can be a buzzer or other audible alarm, a light, or a combination of both (Figs. 1-4, col. 4, line 41 to col. 5, line 56), 5) the claimed (e) wherein the location signal generator is at least one of: a flashing light; and

a sound generator is met by the alarm device 87 which can be a buzzer or other audible alarm, a light, or a combination of both (Figs. 1-4, col. 4, line 41 to col. 5, line 56), and 6) the claimed (f) further comprising one of: (i) a signal generator selector switch installed in the television, which switch may be set in one of the following three signal generator selection modes: sound only; flashing light only; and both sound and flashing light, and (ii) a signal generator selector switch installed in the remote control, which switch may be set in one of the following three signal generator selection modes: sound only; flashing light only; and both sound and flashing light is met by the alarm device 87 which can be a buzzer or other audible alarm, a light, or a combination of both (Figs. 1-4, col. 4, line 41 to col. 5, line 56).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5, 7-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGonigal et al. (US Patent No. 5,945,918).

In considering claim 5, McGonigal et al discloses all the claimed subject matter, note 1) an electrical device system comprising: (a) an electrical device is met by television set 1 (Figs. 1 and 2, col. 3, line 33 to col. 4, line 25), 2) the claimed (b) an activator installed in the device is met by the activator 57 (Fig. 3, col. 4, lines 25-40), 3) the claimed (c) a remote control for the device is met by the remote controller unit 3

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(Figs. 1 and 2, col. 3, line 33 to col. 4, line 25), and 4) the claimed (d) a location signal generator installed in the remote control, which signal generator is activated by receipt of a wireless signal from the activator in the electrical device is met by the receiver 85 which is capable of receiving the signal emitted by the transmitter and the alarm device 87 which can be a buzzer or other audible alarm, a light, or a combination of both (Figs. 1-4, col. 4, line 41 to col. 5, line 56). However, McGonigal et al does not specifically disclose that the electrical device is one of: a radio, a personal computer, a robot, a garage door, and MP3 player, and an interactive video game playing device.

It is noted that the capability of using universal remote controller to control one of radio, personal computer, robot, garage door, MP3 player, and interactive video game playing device is old and well-known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well know using universal remote controller to control one of radio, personal computer, robot, garage door, MP3 player, and interactive video game playing device into McGonigal et al's system in order to using a single remote controller to control plurality of different devices.

In considering claim 7, the claimed wherein the location signal generator is at least one of: (a) a flashing light; and (b) a sound is met by the receiver 85 which is capable of receiving the signal emitted by the transmitter and the alarm device 87 which can be a buzzer or other audible alarm, a light, or a combination of both (Figs. 1-4, col. 4, line 41 to col. 5, line 56).

In considering claim 8, the claimed wherein further comprising: the signal generator selector switch installed in the device, which switch may be set in one of the following three signal generator selection modes: (i) sound only; (ii) flashing light only; and (iii) both sound and flashing light is met by the receiver 85 which is capable of receiving the signal emitted by the transmitter and the alarm device 87 which can be a buzzer or other audible alarm, a light, or a combination of both (Figs. 1-4, col. 4, line 41 to col. 5, line 56).

Claim 9 is rejected for the same reasons as discussed in claim 8 above.

Claim 10 is rejected for the same reasons as discussed in claim 5 above.

Claim 11 is rejected for the same reasons as discussed in claim 8 above.

Claim 13 is rejected for the same reasons as discussed in claim 5 above.

Claim 14 is rejected for the same reasons as discussed in claim 7 above.

Claim 15 is rejected for the same reasons as discussed in claim 8 above.

8. Claims 5, 7-11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (US Patent No. 6,407,779 B1).

In considering claim 5, Herz discloses all the claimed subject matter, note 1) an electrical device system comprising: (a) an electrical device is met by the TV 220 (Figs. 1-2 and 4, col. 3, lines 8-27), 2) the claimed (b) an activator installed in the device is met by the remote finder switch 408 which for the user to activate the remote finding feature (Figs. 2 and 4, col. 4, lines 32-48 and col. 15, lines 36-55), 3) the claimed (c) a remote control for the device is met by the remote control block 210 (Fig. 2, col. 3, lines 28-55),

and 4) the claimed (d) a location signal generator installed in the remote control, which signal generator is activated by receipt of a wireless signal from the activator in the electrical device is met by the beeper 219 which is activated and produces a sound to indicate the location of the remote control (col. 15, lines 36-55). However, Herz does not specifically disclose that the electrical device is one of: a radio, a personal computer, a robot, a garage door, and MP3 player, and an interactive video game playing device.

It is noted that the capability of using universal remote controller to control one of radio, personal computer, robot, garage door, MP3 player, and interactive video game playing device is old and well-known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well know using universal remote controller to control one of radio, personal computer, robot, garage door, MP3 player, and interactive video game playing device into Herz's system in order to using a single remote controller to control plurality of different devices.

In considering claim 7, the claimed wherein the location signal generator is at least one of: (a) a flashing light; and (b) a sound generator is met by the beeper 219 which is activated and produces a sound to indicate the location of the remote control after receiving the remote control locator signal from the television, or a flashing LED, instead of a beacon sound, can be used for indicating the location of the remote control (col. 15, lines 36-55).

In considering claim 8, the capability of using switch to set to sound only; flashing light only; and both sound and flashing light is also old and well known in the art.



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Therefore, Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known selecting switch into McGonigal et al's system in order to simplify the process of finding the location of the remote control.

Claim 9 is rejected for the same reasons as discussed in claim 8 above.

Claim 10 is rejected for the same reasons as discussed in claim 5 above.

Claim 11 is rejected for the same reasons as discussed in claim 8 above.

Claim 13 is rejected for the same reasons as discussed in claim 5 above.

Claim 14 is rejected for the same reasons as discussed in claim 7 above.

Claim 15 is rejected for the same reasons as discussed in claim 8 above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 28, 2007



Trang U. Tran  
Primary Examiner  
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